

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GILBERT G. LUNDSTROM,

Defendant.

4:14-CR-3136

MEMORANDUM AND ORDER

This matter is before the Court on the United States' motion for hearing to determine whether the law firm of Koley Jessen, LLP has an impermissible conflict of interest in representing the defendant Gilbert G. Lundstrom (filing [32](#)), and the United States Magistrate Judge's Findings and Recommendation (filing [71](#)) recommending that Koley Jessen be allowed to continue representing the defendant, subject to certain limitations. The parties were given until October 2, 2015 to file any objections to the Magistrate Judge's decision. No objection has been filed.


Tile [28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party objected to the Magistrate Judge's findings or recommendations. *Peretz v. United States*, [501 U.S. 923 \(1991\)](#). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation of the finding of fact. [NECrimR 59.2\(e\)](#). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, [474 U.S. 140 \(1985\)](#); *Leonard v. Dorsey & Whitney LLP*, [553 F.3d 609 \(8th Cir. 2009\)](#); *see also United States v. Meyer*, [439 F.3d 855, 858-59 \(8th Cir. 2006\)](#). Accordingly, the Court will adopt the Findings and Recommendation, and any objection is deemed waived.

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation (filing [71](#)) are adopted.
2. The United States' motion (filing [32](#)) is denied.

Dated this 7th day of October, 2015.

BY THE COURT:


John M. Gerrard
United States District Judge